

342.7
N53399/V
1006
c.2

2006 VOTERS' GUIDE

IF THE AMENDMENT IS ADOPTED:

This amendment will allow the legislature to create districts in the same manner that districts were drawn prior to 2002. It will increase the total number of districts and therefore increase the probability that the people of a town will be represented by a member of their own community.

Each town or ward having enough inhabitants to entitle it to one or more representative seats in the Legislature shall be guaranteed its own district for the purposes of electing one or more representatives, unless such action prevented a neighboring town from being included in a single-representative district before it is part of a flotal district. Where a town, ward or unincorporated place does not have enough inhabitants necessary for a representative seat, the Legislature shall form multi-town or multi-ward districts, to qualify for one or more representative seats. Excess population in one or more contiguous districts may be combined to allow for additional at-large or flotal representatives.

EXPLAINING TWO AMENDMENTS TO THE NEW HAMPSHIRE CONSTITUTION PROPOSED BY THE LEGISLATURE

TO THE VOTERS OF NEW HAMPSHIRE:

At the November 7, 2006 general election, your ballot will include two questions which propose amendments to the New Hampshire Constitution. If *two-thirds* of the people who vote on either question vote YES, then the Constitution will be amended as indicated in the question.

Each question has been proposed by the New Hampshire Legislature which has the authority to consider and recommend changes to our constitution. This Voters' Guide was prepared at the direction of the Speaker of the House and the President of the Senate with the approval and assistance of the appropriate policy committees of both houses of the Legislature and the Joint Committee on Legislative Facilities.

The Guide includes the constitutional amendment question exactly as it will appear on the ballot, and it explains the effects of the proposed amendments. Each of the issues presented by Questions 1 and 2 are important and deserve your study and vote.

QUESTION NO. 1

EMINENT DOMAIN

1. "Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."

AT THE PRESENT TIME:

Under Part 1, Article 12, and current law, a person's property may not be taken by eminent domain or otherwise without the owner's consent unless the taking is necessary to meet a specific public use. However, the United States Supreme Court has recently defined "public use" to permit the government to take private property for the purpose of promoting economic development through the resale of the property to private parties.

IF THE AMENDMENT IS ADOPTED:

While preserving those rights already stated in the Constitution, this amendment will, in addition, expressly prohibit the government from taking a person's property for either private development or any other private use of the property.

QUESTION NO. 2

REPRESENTATION BY TOWN AND WARD

2. "Are you in favor of amending the second part of the Constitution by amending article 11 to read as follows:

[Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in one non-floterial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or floterial districts conforming to acceptable deviations. The legislature shall form the representative districts at the regular session following every decennial federal census."

AT THE PRESENT TIME:

The Constitution does not guarantee that each town or ward having enough inhabitants to entitle it to one representative seat in the Legislature shall have its own district. The Constitution permits the Legislature to form multi-town and multi-ward districts for electing state representatives, but does not expressly permit or prohibit the Legislature to form so-called "floterial" or at-large districts using excess inhabitants from one district to create a representative seat in those towns and wards that do not have enough inhabitants to form a district.